

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PORFIRIO MIGUEL,  
Plaintiff,

v.

D & G AUTO REPAIR, INC., and GLENN  
PANTORE,  
Defendants.  
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**ORDER**

21 CV 2663 (VB)

On August 21, 2021, the parties in this Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) case filed a settlement agreement (Doc. #22-1) and joint letter to approve the settlement agreement (Doc. #22), as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) the parties’ position as to the proper valuation of plaintiff’s claims;
- (ii) the risks and costs of continuing to litigate;
- (iii) plaintiff is represented by counsel;
- (iv) the settlement agreement does not contain confidentiality or non-disparagement clauses;
- (v) defendants are paying slightly more than double plaintiff’s claimed unpaid wages of \$5,590.50 (\$120 in unpaid minimum wages, \$5,470.50 in unpaid overtime wages), and there is a bona fide dispute regarding (a) imposition of liquidated damages, and (b) the number of hours plaintiff worked throughout the liability period;
- (vi) the parties desire to resolve this action early and avoid the costs and uncertainty associated with drawn-out litigation; and
- (vii) the release set forth in paragraph 4 of the settlement agreement is limited to wage and hour claims existing as the date of the execution of the settlement agreement.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm’s-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys’ fees, which are one third of the total recovery (after costs), to be fair and reasonable under the circumstances.

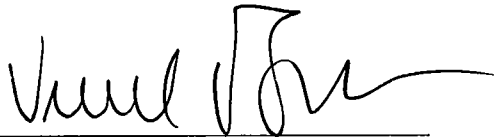
**CONCLUSION**

Accordingly, the parties' settlement agreement (Doc. #22-1) is APPROVED, and the case is dismissed.

The Clerk is instructed to close this case.

Dated: October 1, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge